

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:10-CV-80-F

AERIAL SOLUTIONS, INC.,
Plaintiff,

v.

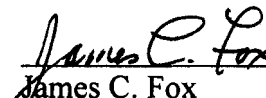
GARRETT AVIATION SERVICES, LLC,
d/b/a STANDARD AERO LIMITED and
HOOSIER SPRING COMPANY, INC.
Defendants.

ORDER

This matter is before the court on the Defendants' Motions to Dismiss [DE-9; DE-13]. Both Defendants seek a dismissal of Count II of Plaintiff's Amended Complaint [DE-1-1], which alleges a claim under the theory of strict liability. In response, Plaintiff states that it withdraws Count II of its Amended Complaint. *See* Response [DE-14]; Response [DE-17]. The court views this "withdrawal" as a notice of voluntary dismissal of Count II.

Accordingly, Plaintiff is DIRECTED to file an amended complaint, omitting its claim under the theory of strict liability, within fourteen (14) days of the filing date of this order. Defendants' Motions to Dismiss [DE-9; DE-13] are DENIED as moot.

SO ORDERED. This the 24th day of June, 2010.


James C. Fox
Senior United States District Judge